George Jury Deliberates Anew After Judicial 'Nudge'

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The jurors at the Iran-contra trial of former CIA spy chief Clair E. George reported twice yesterday they were unable to reach a verdict on any of the nine counts but continued to deliberate after further instructions from the judge.

The jurors sent their first note around midday reporting an impasse to U.S. District Judge Royce C. Lamberth. The judge called them into open court and responded to some legal issues they had asked about. Less than an hour later, they sent out another note saying they were still at loggerheads.

Obviously disappointed at the prospect of a hung jury, Lamberth gave the panel a short talk urging them to try harder. He described his remarks as "a gentle nudge."

"It is your duty, as jurors, to consult with one another and to deliberate with a view to reaching an agreement, if you can do so without violence to individual judgment," the judge said.

"You are not partisans. You are judges—judges of the facts. Your sole interest is to ascertain the truth from the evidence in the case."

The jurors met again for about an hour and returned to their hotel, informing the court in a third note that they would try again in the morning. They have deliberated for a total of 22 hours since the case was turned over to them last Thursday.

Lamberth delivered his short lecture over the objections of George's main defense lawyer, Richard A. Hibey, who called it "an unwarranted intrusion into the deliberative process." Hibey said the jurors have been working hard since deliberations began and showed how much attention they have paid to the case by the questions they sent out.

Lamberth said he would use stronger words with the jurors if they conclude they are hopelessly deadlocked. He said such an instruction, known as a "dynamite" charge, is frowned upon by the U.S. Circuit Court of Appeals here, but has been upheld by the Supreme Court.

George, 62, who was deputy director for operations at the CIA from 1984 to 1987, is standing trial on nine felony counts of lying to several congressional committees and a federal grand jury and obstructing their investigations of the Iran-contra scandal.

In the first note to Lamberth yesterday, foreman Steven Kirk said "the jury is unable to reach a unanimous verdict on any count after repeated deliberate investigation and discussion." Kirk added that further instruction from the court in several areas might help.

Among the issues he listed were: how to regard testimony that is "literally true and technically responsive"; whether a witness has an obligation to volunteer testimony; how to define "negligence"; and how to assess the "context" of certain responses.

The judge responded by repeating some instructions he had given the jury last Thursday and elaborating a bit on others. For instance, he reiterated that "a statement is not false if it is literally true and technically false." He also told them "a showing of negligence or mistake" would not be enough to support a conviction.